REMARKS

A restriction requirement under 35 U.S.C. §§121 and 372 was set forth in the Official Action dated January 22, 2008 in the above-identified patent application.

At the outset, it is noted that a shortened statutory response period of one (1) month was set forth in the January 22, 2008, Official Action. Therefore, the initial due date for response was February 22, 2008. A petition for a four (4) month extension of time is presented with this response, which is being filed within the four month extension period.

It is the Examiner's position that claims 1-30 in the present application are drawn to two (2) patentably distinct inventions which are as follows:

Group I: Claims 1-18 drawn to a method of inducing an immune response through a prime-boost regimen; and

Group II: Claims 19-30 drawn to a prime-boost kit for stimulating an immune response.

The Examiner contends that the inventions listed as Groups I-11 do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2 they lack the same of corresponding technical feature. Applicants respectfully disagree with the Examiner's restriction of the instant invention and submit that a withdrawal, or at the very least a modification, of the restriction requirement is clearly in order for the following reasons.

Applicants submit that during the international stage of this application the PCT Examiner did not make a lack of unity finding and considered all of the claims to be directed to a single invention. The instant restriction requirement fails to comply with the established United States Patent and Trademark Office practice of following the international rules regarding unity of invention in the prosecution of

applications filed under §371. While the Examiner purports to employ the general inventive concept practice under PCT Rule 13.1, it is wholly unclear how the Examiner could conclude that the instant application has two (2) Groups of inventions, when the PCT Examiner, employing the same rules, determined that identical claims in the international application have complete unity of invention. Accordingly, Applicants respectfully request the instant restriction requirement be withdrawn and all of the claims be examined on their merits.

The Examiner has also required an election of species. Specficially, Applicants must elect **A)** a specific antigen (i.e., a lentivirus vector or an APC containing a lentivirus as stated in claims 1 and 19. Applicants contacted the Examiner regarding this election to clarify that the lentivirus vector or the APC containing a lentivirus are not the antigen per se, but the means for delivering the antigen of interest. The Examiner concurred with this interpretation of the claim language. Applicants are further required to elect **B)** a specific virus as specified in claims 3, 4, 21 and 22 and **C)** a specific prime-boost regimen as specified in claims 5, 9-12 and 27-30.

Should Applicants elect Group I, the Examiner requires a further election of species. Applicants must elect **D)** a specific first immunogen as recited in claims 14 and 16-18. The species elected from **C)** must correspond to the elected species from **D)**. Applicants are also required to identify those claims which read on the elected species.

In order to be fully responsive, Applicants hereby elect, with traverse, Group I, namely claims 1-18 drawn to a method of inducing an immune response through a prime boost regimen. Applicants further elect the species of **A)** a lentivirus vector; **B)** a nucleic acid as specified in claim 2, i); **C)** Applicants elect the prime boost regimen specified in Claim 10; and **D)** a nucleic acid as the first immunogen as specified in claim 14.

All of the claims read on the elected species.

Applicant's elections in response to the present restriction and election of species requirements are without prejudice to their right to file one or more continuing applications, as provided in 35 U.S.C. §120, on the subject matter of any claims finally held withdrawn from consideration in this application.

Early and favorable action on the merits of this application is respectfully solicited.

Respectfully submitted,
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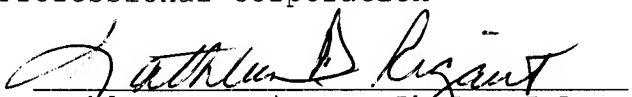
By 
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